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MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

Division of Drinking Water

December 10, 2014

Water System No. 2700773

Mr. Don Rosa  
General Manager  
Sunny Mesa Water System  
136 San Juan Road  
Royal Oaks, CA 95076

Attention Mr. Rosa:

### CITATION NO. 02-05-14C-014

### TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION FOR OCTOBER 2014

Enclosed is a Citation issued to the Sunny Mesa Water System (Sunny Mesa WS).

Sunny Mesa WS will be billed at the State Water Resources Control Board Division of Drinking Water's (Division) hourly rate (currently estimated at \$128.00) for the time spent on issuing this Citation. Health and Safety Code Section 116577 provides that a public water system must reimburse the Division for actual costs incurred by the Division for specified enforcement actions, including, but not limited to, preparing, issuing, and monitoring compliance with a citation. At this time, the Division has spent approximately two hours on enforcement activities associated with this violation.

Sunny Mesa WS will receive a bill sent from our Division of Drinking Water Fee Billing Unit in August of the next fiscal year. This bill will contain fees for any enforcement time spent on Sunny Mesa WS for the current fiscal year.

If you have any questions regarding this matter, please contact Shaminder Kler at (831) 655-6938 or me at (831) 655-6934.

Sincerely,

Jan R. Sweigert, P.E.  
District Engineer, Monterey District Office  
Northern California Field Operations Branch  
Drinking Water Program

Enclosures

CERTIFIED MAIL NO. 7008-1830-0004-5435-4484

cc: Monterey County Environmental Health Department

FELICIA MARCUS, CHAIR | THOMAS HOWARD, EXECUTIVE DIRECTOR

1 Lower Ragsdale, Bldg. 1, Suite 120, Monterey, CA 93940 | [www.waterboards.ca.gov](http://www.waterboards.ca.gov)

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**Attn:** Mr. Don Rosa  
General Manager  
136 San Juan Road  
Royal Oaks, CA 95076

**WATER SYSTEM NO. 2700773**  
**CITATION NO. 02-05-14C-014**  
**Issued on December 10, 2014**

The State Water Resources Control Board, acting by and through its Division of Drinking Water (hereinafter "Division") and the Deputy Director for the Division, hereby issues a citation to the Sunny Mesa Water System (hereinafter "Sunny Mesa WS") for failure to comply with the total coliform maximum contaminant level (MCL) as specified in Title 22, California Code of Regulations (CCR), Section 64426.1.

1 **APPLICABLE AUTHORITIES**

2 **Section 116650 of California Health and Safety Code provides:**

3 (a) If the department determines that a public water system is in violation of this  
4 chapter or any regulation, permit, standard, citation, or order issued or adopted  
5 thereunder, the department may issue a citation to the public water system. The  
6 citation shall be served upon the public water system personally or by certified mail.  
7 Service shall be deemed effective as of the date of personal service or the date of  
8 receipt of the certified mail. If a person to whom a citation is directed refuses to accept  
9 delivery of the certified mail, the date of service shall be deemed to be the date of  
10 mailing.

11 (b) Each citation shall be in writing and shall describe the nature of the violation  
12 or violations, including a reference to the statutory provision, standard, order, citation,  
13 permit, or regulation alleged to have been violated.

14 (c) A citation may specify a date for elimination or correction of the condition  
15 constituting the violation.

16 (d) A citation may include the assessment of a penalty as specified in  
17 subdivision (e).

18 (e) The department may assess a penalty in an amount not to exceed one  
19 thousand dollars (\$1,000) per day for each day that a violation occurred, and for each  
20 day that a violation continues to occur. A separate penalty may be assessed for each  
21 violation.

22  
23 **California Code of Regulations, Title 22, Section 64426.1, subsection (b)**  
24 **provides, in relevant part:**

25 (b) A public water system is in violation of the total coliform MCL when any of  
26 the following occurs:



1 (1) For a public water system which collects at least 40 samples per  
2 month, more than 5.0 percent of the samples collected during any month are total  
3 coliform-positive; or

4 (2) For a public water system which collects fewer than 40 samples per  
5 month, more than one sample collected during any month is total coliform-positive; or

6 (3) Any repeat sample is fecal coliform-positive or *E. coli*-positive; or

7 (4) Any repeat sample following a fecal coliform-positive or *E. coli*-  
8 positive routine sample is total coliform-positive.

9  
10 **STATEMENT OF FACTS**  
11

12 Sunny Mesa WS is classified as a community water system with 261 connections  
13 serving a population of 880. The Division received laboratory results for thirty-five  
14 routine and repeat distribution bacteriological samples and two raw water samples  
15 during October 2014. All samples were analyzed for the presence of coliform  
16 bacteria. Twenty of the thirty-five distribution samples tested positive for coliform  
17 bacteria and were also tested for *E. coli* which was not detected.

18  
19 By November 3, 2014, the Division received laboratory results for fifty-four "Specials"  
20 from the distribution system. All "Specials" from the distribution system were tested  
21 using a Most Probable Number method and eight of the fifty-four samples tested  
22 positive for coliform bacteria with no detection of *E. coli*. The two consecutive day  
23 "Special" samples, six samples per day, collected on October 29 and 30, 2014 tested  
24 negative for coliform bacteria. Sunny Mesa WS has submitted the Positive Total  
25 Coliform Investigation Report on October 20, 2014.

26  
27 **DETERMINATION**

Page 3 of 6

**CITATION NO. 02-05-14C-014**  
**Issued: December 10, 2014**

1 The Division has determined that the Sunny Mesa WS is in violation of Title 22, CCR,  
2 Section 64426.1, Total Coliform Maximum Contaminant Level. Section 64426.1(b)(2)  
3 defines a violation of the total coliform MCL as more than one sample collected during  
4 any month is total coliform-positive.

5  
6 The Sunny Mesa WS took less than 40 routine and repeat bacteriological samples  
7 during October 2014, and had a total of 20 samples that were total coliform positive.  
8 Therefore, the Sunny Mesa WS violated the total coliform contaminant level contained  
9 in Section 64426.1 during October 2014.

### 10 11 DIRECTIVES

12  
13 Sunny Mesa WS is hereby directed to take the following actions:

- 14
- 15 1. Forthwith, Sunny Mesa WS shall cease and desist from failing to comply with  
16 Section 64426.1, Title 22, CCR.  
17
  - 18 2. On or before **December 31, 2014**, notify all persons served by the Sunny Mesa  
19 WS of the MCL violation in conformance with Title 22, CCR, Sections 64463.4 and  
20 64465. Appendix 1: Public Notification Template may be used to fulfill this  
21 directive.  
22
  - 23 3. The Sunny Mesa WS shall complete Appendix 2: Compliance Certification.  
24 Submit it together with a copy of the public notification required in Directive 2 to  
25 the Division on or before **January 12, 2015**.  
26

1 4. The Sunny Mesa WS shall comply with all routine and repeat monitoring  
2 requirements for coliform bacteria as specified in CCR Section 64424.  
3

4 The Division reserves the right to make such modifications to this Citation as it may  
5 deem necessary to protect public health and safety. Such modifications may be  
6 issued as amendments to this Citation, and shall be deemed effective upon issuance.  
7

8 Nothing in this Citation relieves Sunny Mesa WS of its obligation to meet the  
9 requirements of the California Safe Drinking Water Act, or of any regulation, permit,  
10 standard, or order issued or adopted thereunder.  
11

12 All submittals required by this Citation shall be submitted to the Division at the  
13 following address:

14  
15 Jan Sweigert, P.E.  
16 District Engineer  
17 State Water Resources Control Board  
18 Division of Drinking Water  
19 1 Lower Ragsdale Drive, Building 1, Suite 120  
20 Monterey, CA 93940  
21

22 **PARTIES BOUND**

23 This Citation shall apply to and be binding upon Sunny Mesa WS, its officers,  
24 directors, shareholders, agents, employees, contractors, successors, and assignees.  
25

26 **SEVERABILITY**

27 The Directives of this Citation are severable, and the Sunny Mesa WS shall comply  
28 with each and every provision thereof, notwithstanding the effectiveness of any other  
29 provision.  
30



**FURTHER ENFORCEMENT ACTION**

The California SDWA authorizes the Division to: issue citation with assessment of administrative penalties to a public water system for violation or continued violation of the requirements of the California SDWA or any permit, regulation, permit or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the Division to take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with an order of the Division; and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with violates an order of the Division. The Division does not waive any further enforcement action by issuance of this citation.

12/10/2014  
Date



Jan Sweigert  
District Engineer  
Division of Drinking Water  
State Water Resources Control Board

**Appendices (2):**

1. Public Notification Template
2. Compliance Certification

**CERTIFIED MAIL NO. 7008-1830-0004-5435-4484**

## Instructions for Tier 2 Resolved Total Coliform Notice Template

### Template Attached

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the State Water Resources Control Board, Division of Drinking Water (DDW) for approval prior to distribution or posting, unless otherwise directed by the DDW [64463(b)].**

#### Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery <sup>(a)</sup>	Publication in a local newspaper
		Posting <sup>(b)</sup> in conspicuous public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system <sup>(b)</sup>	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting <sup>(b)</sup> on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

#### Multilingual Requirement

The notice must (1) be provided in English, Spanish, and the language spoken by any non-English-speaking group exceeding 10 percent of the persons served by the water system and (2) include a telephone number or address where such individuals may contact the water system for assistance.



If any non-English-speaking group exceeds 1,000 persons served by the water system but does not exceed 10 percent served, the notice must (1) include information in the appropriate language(s) regarding the importance of the notice and (2) contain the telephone number or address where such individuals may contact the water system to obtain a translated copy of the notice from the water system or assistance in the appropriate language.

### **Population Served**

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

### **Description of the Violation**

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<b><u>If You Take Fewer Than 40 Samples a Month</u></b>	<b><u>If You Take 40 or More Samples a Month</u></b>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than 5.0 percent of samples may test positive each month.

### **Corrective Action**

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We have increased sampling for coliform bacteria to catch the problem early if it recurs."
- "The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria."

### **After Issuing the Notice**

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the DDW within ten days after you issue the notice [64469(d)].

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

## IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.  
Tradúzcalo o hable con alguien que lo entienda bien.

### Sunny Mesa Water System Had Levels of Coliform Bacteria Above the Drinking Water Standard

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for the presence of drinking water contaminants. We took thirty-five distribution samples during October 2014 to test for the presence of coliform bacteria towards compliance with the Total Coliform Rule. Twenty of the Thirty-five samples showed the presence of total coliform bacteria. The standard is that no more than 1 sample per month may do so.

#### What should I do?

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present.
- Usually, coliforms are a sign that there could be a problem with the treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our testing conducted on October 29 and 30, 2014, and test results show that this problem has been resolved.**
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline



at 1(800) 426-4791.

- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

### **What happened? What was done?**

**[Describe corrective action].**

For more information, please contact **[name of contact]** at **[phone number]** or **[mailing address]**.

*Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.*

### **Secondary Notification Requirements**

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by Sunny Mesa Water System

State Water System ID#: 2700773

Date distributed: \_\_\_\_\_

System Representative Signature: \_\_\_\_\_



## APPENDIX 2. COMPLIANCE CERTIFICATION

Citation Number 02-05-14C-014

Name of Water System: Sunny Mesa Water System

System Number: 2700773

I certify that the users of the water supplied by this water system were notified of the bacteriological violation of Title 22, California Code of Regulations, Section 64426.1 for the compliance period of October 2014 and that the following actions, as directed in 02-05-14C-014, have been completed:

<u>Required Action</u>	<u>Date Completed</u>
(Citation Directive 2) Public Notification-Mail or Direct Delivery and Other Notification Methods Completed	
(Citation Directive 3) Submit Compliance Certification and a copy of the distributed Public Notification	

\_\_\_\_\_  
Signature of Water System Representative

\_\_\_\_\_  
Date

\*\*\* Attach a copy of the notice distributed. \*\*\*

**THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT  
NO LATER THAN JANUARY 12, 2015**

**Disclosure:** Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.